

Remarks

The foregoing amendments obviate the Examiner's objections to the specification and claims, and obviate the rejections under 35 U.S.C. 112. They also emphasize the patentability of the invention over the prior art.

All claims stand rejected as anticipated by or obvious over Shilling et al. U.S. patent No. 5,396,047, taken in view of the patents to Welle, Jr. et al., McWilliams or Gossler in respect of Claims 12, 13 and 17. It is respectfully submitted that the rejections are clearly in error.

It is acknowledged that Schilling et al. describe an electric heater assembly comprising, in effect, a first heating element 4 in a first heating zone and a second heating element 3 in a second heating zone, the second heating zone surrounding the first heating zone.

The two heating elements 3 and 4 can be used in either of two modes. Either the two heating elements can be energized simultaneously, at full duty cycle (i.e., with no interruptions in the supply of electrical energy), or the two heating elements can be energized sequentially (with only one of the heating elements being energized at any time). This is explained at column 6, lines 51-56 of Schilling et al.

The Examiner has referred to column 7, lines 5-66 of Schilling et al. However, the identified passage simply explains that, during sequential energization, the proportion of time that one heating element may be energized may differ from the propor-

tion of time that the other heating element may be energized, and that the proportions may be varied. Obviously, sequential operation of heating elements cannot be equated to operating them *together*, as the Examiner has apparently done.

There is no disclosure in Schilling et al. that the inner heating element 4 can be energized alone, as required by Claim 1 of the present application. According to Schilling et al., the heating elements are either used simultaneously *at full duty cycle*, or are used *sequentially* to reduce the overall duty cycle.

As explained at column 6, lines 2-5 of the reference, the outer boundary 9 defines the size of the base standing of the cooking vessel. That is, the electric heater of Schilling et al. is always intended to be used with a cooking utensil of constant size. In contrast, amended Claim 1 provides that the first heating zone (16) is operable alone, while the second heating zone (18) is operable together with the first heating zone (i.e., simultaneously), thereby allowing the heater to be adapted to cooking utensils of different shapes and sizes.

Moreover, there is no disclosure and no suggestion in Schilling et al. that, when the outer heating element is energized at full duty cycle, the inner heating element is to be energized at less than full duty cycle. Such an arrangement is indeed contrary to the disclosure in Schilling et al. that the two heating elements can be energized simultaneously at full duty cycle — clearly, in this case, neither one of the heating elements can be energized at less than full duty cycle. Such an arrangement is

also contrary to the disclosure in Schilling et al. that the two heating elements can be energized sequentially — clearly, in this case, neither of the elements can be energized at full duty cycle.

Thus, amended Claim 1 is certainly novel and patentable over the disclosure and teaching of Schilling et al. Claims 2-10 and 14-16 are also novel and patentable, at least for the reasons set forth above in respect of Claim 1.

With regard to Claims 12 and 13, it is acknowledged that Welle, Jr. et al. disclose a microprocessor-based control system for an electric cooking appliance, and with regard to Claim 17 it is acknowledged that both McWilliams and Gossler describe the provision of a wall of thermal insulation material between first and second heating zones. Nevertheless, the subject matter of those claims is also patentable for the reasons given above in respect of Claim 1.

Withdrawal of all objections and rejections, and passage of the application to allowance, are believed to be clearly in order. Such actions are earnestly solicited.

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CERTIFICATE OF MAILING

I, IRA S. DORMAN, hereby certify that this correspondence is being deposited with the United States Postal Service, postage prepaid, in an envelope addressed as set forth on the first page hereof, on January 26, 2006.

A handwritten signature, appearing to be "Ira S. Dorman", is written over a solid horizontal line.

cc: Derek C. Jackson, Esq.
(Ref. No. P0697)